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10/589,115	08/10/2006	Michael Mohr	GRAT 22.694 (100717-00113)	6055
26304 7590 12/07/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER HIGHTER, TREVILLIAN H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,115

Applicant(s)

MOHR, MICHAEL

Examiner

Trevillian H. Highter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10 August 2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 are pending in this application.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

4. The claims are objected to because they include reference characters which are partially or not enclosed within parentheses.

- a. Claim 1, line 5, refers to "(4())" and line 7 refers to "98)".
- b. Claim 5, line 8, refers to "E".
- c. Claim 12, line 5, refers to "(10".

Appropriate correction is required.

5. Claims 1, 2, 3, 6, and 10 are objected to because of the following informalities:

- a. Claim 2, line 3, claim 6, line 5, and claim 10, line 6 contain ellipses "...".
- b. Claim 6, line 6 contains a grammatical error "he". It is believed the intended word is "the". Appropriate correction is required.
- c. The following claim is objected to for lack of antecedent basis:
Claim 1, line 16, refers to "the portal servers".

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1, lines 9-10 recites the limitation "a provider (X, Y)". It is unclear whether this is intended to be the same or different from "plurality of data providers" recited in line 2. For examination purposes, "a provider (X, Y)" is interpreted as a "plurality of data providers".

9. Claim 1, lines 18-19 and claim 10, lines 12-13 recite "respective portal server". It is unclear whether this is intended to be the same or different from "plurality of portal servers" recited in line 13. For examination purposes, "respective portal server" is interpreted as one of the "plurality of portal servers".

10. Claim 2, line 5 recites "respective advertising email". It is unclear whether this is intended to be the same or different from "data emails" recited in claim 1, lines 1-2. For examination purposes, "respective advertising email" is interpreted as "data emails".

11. Claim 5, line 6 and claim 6, line 6 recite "respectively used portal server". It is unclear whether this is intended to be the same or different from "plurality of portal servers" recited in claim 1, line 13. For examination purposes, "respectively used portal server" is interpreted as one of the "plurality of portal servers".

12. Claim 5, line 8 and claim 7, line 5 recite "respective data receiver". It is unclear whether this is intended to be the same or different from "plurality of data receivers" recited in claim 1, lines 2-3. For examination purposes, "respective data receiver" is interpreted as one of the "plurality of data receivers".

13. Claim 7, lines 6-7 recites "provider (X, Y)". It is unclear whether this is intended to be the same or different from "plurality of data providers" recited in claim 1, line 2. For examination purposes, "provider (X, Y)" is interpreted as a "plurality of data providers".

14. Claim 9, line 4 recites "individual providers (X, Y)". It is unclear whether this is intended to be the same or different from "plurality of data providers" recited in claim 1, line 2. For examination purposes, "individual provider (X, Y)" is interpreted as one of the "plurality of data providers".

15. Claim 10, line 3 recites "few provider data processing systems" which renders the claim as vague and indefinite because there is no standard for measuring the degree intended.

16. Claim 10, lines 8-9 recites "the provider", line 11 recites "providers", and line 13 recites "these provider data records". It is unclear whether this is intended to be the

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same or different from “plurality of data providers” recited in claim 1, line 2. For examination purposes, “the provider”, “providers”, and “these provider data records” are interpreted as a “plurality of data providers”.

17. Claim 10, line 10 recites “information server”. It is unclear whether this is intended to be the same or different from “central information server” recited in claim 1, line 4. For examination purposes, “information server” is interpreted as “central information server”.

18. Claim 11, line 16 recites “information server”. It is unclear whether this is intended to be the same or different from “central information server” recited in line 8. For examination purposes, “information server” is interpreted as “central information server”.

19. Claim 12, line 13 recites “a provider”. It is unclear whether this is intended to be the same or different from “data providers” recited in line 2. For examination purposes, “a provider (X,Y)” in claim 12 is interpreted as “data providers”.

20. Claim 12, line 23 and 26 recites “respective portal server”. It is unclear whether this is intended to be the same or different from “plurality of portal server” recited in line 8. For examination purposes, “respective portal server” is interpreted as one of the “plurality of portal servers”.

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21. Claim 13, line 5 recites "respectively used portal server". It is unclear whether this is intended to be the same or different from "plurality of portal servers" recited in claim 12, line 8. For examination purposes, "respectively used portal server" is interpreted as one of the "plurality of portal servers".

22. Claims 3-4, 6, 8, and 14 are rejected under 35 U.S.C. 112, second paragraph for depending on rejected independent claims.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. **Claims 1-3, 5-8, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et. al. (US Pub. No. 2003/0158777), hereinafter Schiff, in view of East West Directory.Com, hereinafter East West Directory. Schiff is cited in the Information Disclosure Statement filed by applicant on 8/10/2006.**

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25. With respect to claim 1, Schiff discloses a central information server ([0064], lines 1-2) with an email interface unit ([0117], lines 4-5), a web interface unit ([0093], line 3), a memory device, which features at least an advertising memory unit to store data emails of the data providers ([0064], lines 5-6), and a selection device ([0114], lines 1-4, when using a web browser, a selection device is inherent), a plurality of data processing systems, which are respectively allocated to a provider and which are provided with an email interface which is enabled to communication with at least one provider-specific email address of the email interface unit of the central information server ([0074], lines 1-3, email interface is part of a communication system), and a plurality of portal servers which are respectively provided with a web interface and which can be connected to the web interface unit of the central information serve ([0075], lines 1-3, when providing users of portal servers with contents, a web interface is inherent).

Schiff does not disclose wherein the portal servers have access to specific data emails which are stored in the advertising memory unit and which are automatically determined by the selection device according to the identity of the respective portal server, and can represent them by means of a link on a homepage.

East West Directory, however, discloses wherein the portal servers have access to specific data emails which are stored in the advertising memory unit and which are automatically determined by the selection device according to the identity of the respective portal server (page 2, no. 1, lines 38-42), and can represent them by means of a link on a homepage (page 1, line 1; page 1, no. 1, lines 15-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schiff by incorporating a central information server, data processing systems and portal servers with email selection based on the identity of portal servers as taught by East West Directory, in order to offer customized information to the user.

26. With respect to claim 2, Schiff, discloses the memory device of the central information server, in addition, features a provider database ([0064], lines 5-6) to prepare provider-specific data, wherein the respective advertising email and the provider-specific data can be automatically connected with one another for each provider.

27. With respect to claim 3, Schiff, discloses provider-specific data, which are filed in the provider database, each contain a link to an Internet presence of the provider concerned ([0064], lines 5-6, content provided by the providers can include a link to an Internet presence of the provider).

28. With respect to claim 5, the claim is rejected for the same reasons as claim 1 above. In addition, East West Directory discloses a selection device comprises a content selection module to select such data emails, which are stored in advertising memory unit and can be accessed via the respectively used portal server (page 2, no. 1, lines 34-37, when providing customized information, a content selection module is

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inherent). These data emails correspond to the content selection criteria selected by the respective data receiver (page 2, no. 1, lines 34-37, customer information is a form of content selection criteria).

29. With respect to claim 6, the claim is rejected for the same reasons as claim 1 above. In addition, East West Directory discloses a selection device comprises a content selection module to select such data emails, which are stored in advertising memory unit and can be accessed via the respectively used portal server (page 2, no. 1, lines 34-37, when providing customized information, a content selection module is inherent). These data emails correspond to the provider selection criteria selected by the respective data receiver (page 2, no. 1, lines 34-37, when subscribing for or purchasing a product or service, provider selection criteria is inherent).

30. With respect to claim 7, the claim is rejected for the same reasons as claim 1 above. In addition, East West Directory discloses a central information server comprises an action device to implement predetermined processes, which are selected by the respective data receiver in view of the respectively retrieved data emails allocated to providers (page 4, no. 4, lines 4-7, when performing online shopping, a predetermined purchasing process, an action device is inherent).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schiff by incorporating a central information server, data processing systems and portal servers with implementing

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predetermined processes, in order to conveniently deliver products and services requested.

31. With respect to claim 8, Schiff discloses links of the individual portal servers access different, portal-specific websites, via which only the data emails can be retrieved, which are respectively chosen, specifically for the portal, by selection unit and are released for access ([0075], lines 1-2, portals provide users with their own content, therefore it is inherent that portal servers contain links to websites which are chosen for a particular portal).

32. With respect to claim 12, Schiff discloses preparation of a central information server with an email interface unit ([0117], lines 4-5), a web interface unit ([0093], line 3) and a memory device ([0064], lines 5-6), which comprises at least one advertising memory unit ([0064], lines 5-6); preparation of a plurality of portal servers ([0075], lines 1-3), which each have a web interface unit and can be connected to web interface unit of central information server ([0075], lines 1-3, when a portal server provides users with contents, a web interface is inherent); Sending advertising emails containing provider-specific data by means of a plurality of data processing systems ([0074], lines 1-3), which are each allocated to a provider, each time at least at a provider-specific email address of central information server ([0074], lines 1-3, a communication system can be an email interface); automatic storage of the advertising emails ([0064], lines 5-6), which enter central information server in advertising memory unit ([0074], lines 5-6); enabling

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the creation of connections between a plurality of data processing systems ([0074], lines 1-3), which are each allocated to a data receiver and feature a web interface, and central information server by using the link of the respective portal server which is retrieved by the data receiver concerned ([0075], lines 1-2, portals provide users with their own content, therefore it is inherent that portal servers contain links to websites which are chosen for a particular portal. When accessing websites, use of data processing systems of providers and a central server that sends website to the user is inherent); access clearance to advertising emails stored in advertising memory unit ([0107], lines 10-12); Retrieval of the selected and cleared advertising emails through the plurality of advertising receivers on the world wide web ([0107], lines 13-18).

Schiff does not disclose automatic selection of advertising emails, which depends on the identity of the respective portal server.

East West Directory, however, discloses automatic selection of advertising emails, which depends on the identity of the respective portal server (page 1, no. 1, lines 38-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schiff by preparation of a central information server and portal servers, and using the link of the portal server to connect data processing systems and the central information server with automatic selection of advertising emails based on the portal's identity, in order to offer customized information to the user.

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33. With respect to claim 13, Schiff discloses retrievals of advertising emails by data receivers is recorded and registered with allocation of the respectively used portal server ([0119], lines 19-23).

34. With respect to claim 14, Schiff discloses individual portal servers access different, portal- specific websites via the respective link ([0075], lines 1-2, portals provide users with their own content, therefore it is inherent that portal servers contain links to websites which are chosen for a particular portal). Only the advertising emails, which have been selected specifically for the portal and have been cleared for access, are retrieved through these websites ([0107], lines 10-18).

35. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff, in view of East West Directory, and further in view of Olivier (US Patent No. 6,480,885), hereinafter Olivier. Olivier is cited in the Information Disclosure Statement filed by applicant on 8/10/2006.

36. With respect to claim 4, Schiff and East West Directory do not disclose a memory device of the central information server comprises an archive to retrieve previous data emails.

Olivier, however, discloses a memory device of the central information server comprises an archive to retrieve previous data emails (column 8, lines 31-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schiff and East West Directory by incorporating a central information server, data processing systems and portal servers which access specific emails based on their identity with an archive, in order to allow users to browse the archives via a web interface.

37. With respect to claim 10, Schiff and East West Directory discloses central information server contains a memory unit with the contact data relating to the link connection to the provider web servers ([0064], lines 5-6, content may contain contact data, as disclosed by Schiff), and whereby the portal servers have access to provider data records via the information server from specific providers which are detected by the selection device depending on the identity of the respective portal server (page 2, no. 1, lines 38-42, as disclosed by East West Directory), and can thereby display these provider data records via a link on a homepage (page 1, line 1; page 1, no. 1, lines 15-16, as disclosed by East West Directory).

Schiff and East West Directory does not disclose a few provider data processing systems each comprise a web server with a web interface unit and a memory device accessible via the web interface unit for provider- specific data records stored in an Internet-compatible format.

Olivier, however, discloses a few provider data processing systems each comprise a web server with a web interface unit (column 5, lines 7-8) and a memory

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device (column 5, lines 1-2) accessible via the web interface unit for provider- specific data records stored in an Internet-compatible format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schiff and East West Directory by incorporating a central information server, data processing systems and portal servers which access specific emails based on their identity with provider systems containing web servers and memory in order to in order to offer customized information to the user.

38. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier, in view of Schiff, and further in view of East West Directory.

39. With respect to claim 11, Olivier discloses a plurality of web servers, which are each allocated to a provider, which feature a web interface unit (column 5, lines 7-8, 12-14) and comprise a memory device (column 5, lines 1-2) that is accessible via the web interface unit for provider-specific data records stored in an Internet- compatible format.

Olivier does not disclose a central information server with a web interface unit, a memory unit with the contact data relating to the link connection to the provider web servers, as well as a selection device and a plurality of portal servers, which are each comprised of a web interface and can be connected to the web interface unit of the central information server, whereby the portal servers have access to provider data records via the information server from specific providers that are detected by the

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selection device according to the identity of the respective portal server and can then display then via a link on a homepage.

Schiff, however, discloses a central information server with a web interface unit ([0093], line 3), a memory unit with the contact data relating to the link connection to the provider web servers ([0064], lines 1-2), as well as a selection device ([0114], lines 1-4, when using a web browser, a selection device is inherent).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Olivier by incorporating a plurality of web servers with a central information server as taught by Schiff, in order to display advertisements targeted to the subscriber.

Olivier and Schiff does not disclose a plurality of portal servers, which are each comprised of a web interface and can be connected to the web interface unit of the central information server, whereby the portal servers have access to provider data records via the information server from specific providers that are detected by the selection device according to the identity of the respective portal server and can then display then via a link on a homepage.

East West Directory, however, discloses a plurality of portal servers, which are each comprised of a web interface and can be connected to the web interface unit of the central information server, whereby the portal servers have access to provider data records via the information server from specific providers that are detected by the selection device according to the identity of the respective portal server (page 2, no. 1,

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lines 38-42) and can then display then via a link on a homepage (page 1, line 1; page 1, no. 1, lines 15-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Olivier, Schiff, and East West Directory by incorporating web servers, a central information server, and portal servers, in order to offer customized information to the user.

40. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff, in view of East West Directory, and further in view of Wiederin et. al. (US Patent No. 7,069,446 B2), hereinafter Wiederin.

41. With respect to claim 9, Schiff and East West Directory do not disclose multiple content-specific email addresses are allocated to individual providers on the email interface unit of the central information server.

Wiederin, however, discloses multiple content-specific email addresses are allocated to individual providers on the email interface unit of the central information server (column 7, lines 3-5 and 10-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schiff and East West Directory by incorporating a central information server, data processing systems and portal servers which access specific emails based on their identity with allocating multiple email address to data providers, in order to tailor to the particular needs of customers.

THH, 11/20/07


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